



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

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## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

#### **Requestor Name and Address**

TROPHY CLUB MEDICAL CENTER  
2850 E STATE HWY 114  
TROPHY CLUB TX 76262

#### **Respondent Name**

Dallas Area Rapid Transit

#### **Carrier's Austin Representative Box**

Box Number 15

#### **MFDR Tracking Number**

M4-12-3370-01

#### **MFDR Date Received**

July 16, 2012

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "Less the payments received of \$13,702.75; we are rightfully owed \$1,463.08."

**Amount in Dispute:** \$1,463.08

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "...the carrier stands behind its initial payment of \$13702.75 and maintains that no additional allowance is due."

**Response Submitted by:** ESIS, PO Box 6563, Scranton, PA 18505

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
June 13, 2011	Outpatient Hospital Services	\$1,463.08	\$0.00

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

#### **Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
2. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated November 8, 2011

- 1 (97) The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated.
- 2 (W1) Workers Compensation State Fee Schedule Adjustment.
- 3 (59) Processed based on multiple or concurrent procedure rules.
- 4 (94) Processed in Excess of charges.

Explanation of benefits dated February 22, 2012

- 1 - (W1) Workers Compensation State Fee Schedule Adjustment.
- 2 - (59) Processed based on multiple or concurrent procedure rules.
- 3 - (94) Processed in Excess of charges.
- 4 - (97) The benefit for this service is included in the payment/allowance for another service/procedure that has already been adjudicated.

### Issue

1. Did the requestor waive the right to medical fee dispute resolution?

### Findings

28 Texas Administrative Code §133.307(c)(1) states: "Timeliness. A requestor shall timely file with the Division's MDR Section or waive the right to MDR. The Division shall deem a request to be filed on the date the MDR Section receives the request. (A) A request for medical fee dispute resolution that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute." The date of the services in dispute is June 13, 2011. The request for medical dispute resolution was received in the Medical Dispute Resolution (MDR) section on July 16, 2012. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307, subparagraph (B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

### Conclusion

The Division finds that the requestor has waived the right to medical fee dispute resolution for the services in dispute. For that reason, the merits of the issues raised by both parties to this dispute have not been addressed.

### Authorized Signature

_____	_____	June 13, 2013
Signature	Medical Fee Dispute Resolution Officer	Date

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**